

Ex. 2

CHIEF STEPHEN HUGHES  
NYCPDS2020D

May 05, 2023

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
20-cv-8924 (CM) (GWG)

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In Re: New York City Policing  
During Summer 2020 Demonstrations  
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This filing is related to:  
ALL CASES  
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REMOTE DEPOSITION OF CHIEF STEPHEN HUGHES  
May 5, 2023  
10:00 a.m., EDT

Reported by:  
Debra Stevens, RCR  
JOB NO. J9635485

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May 5, 2023

10:00 a.m., EDT

Remote Deposition of Chief Stephen  
Hughes, the witness herein, held on the  
above date and time before Debra  
Stevens, Realtime Certified Reporter and  
Notary Public of the State of New York.

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1  
2 REMOTE APPEARANCES:

3  
4 NEW YORK CIVIL LIBERTIES UNION FOUNDATION

5 Attorneys for Plaintiff Payne [No. 20-cv-8924]

6 125 Broad Street, 19th Floor

7 New York, New York 10004

8 BY: DANIEL R. LAMBRIGHT, ESQ.

9 MOLLY BIKLEN, ESQ.

10  
11 LETITIA JAMES, Attorney General of the State  
12 of New York

13 Counsel for Plaintiff People of the State of  
14 New York

15 28 Liberty Street

16 New York, New York 10005

17 BY: SWATI PRAKASH, ESQ.

18  
19 NEW YORK CITY LAW DEPARTMENT

20 Attorneys for Defendant and the Witness

21 Herein

22 31 Chambers Street, Room 105

23 New York, New York 10007-1210

24 BY: TOBIAS ZIMMERMAN, ESQ.

25 (Continued)

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1  
2 REMOTE APPEARANCES: (Continued)

3  
4 THE ABOUSHI LAW FIRM

5 Attorneys for Plaintiff Rolan [21-cv-02548]

6 4918 4th Avenue

7 Brooklyn, New York 11220

8 BY: TAHANIE ABOUSHI, ESQ.

9  
10  
11 Also Present:

12 NANCY TRASANDE, NYS Attorney General

13 GINA BULL, NYS Attorney General

14 MICHAEL VITOROULIS, Legal Aid

15 RIGODIS APPLING, Legal Aid

16 PETER CALLAHAN, NYPD Agency Counsel  
17  
18  
19  
20  
21  
22  
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Proceedings

COURT REPORTER: This is Debra Stevens, court reporter and notary public for the State of New York. I'll ask counsel to please introduce themselves and state whom they represent.

MR. LAMBRIGHT: My name is Daniel Lambright, on behalf of the New York Civil Liberties Union for the Payne Plaintiffs.

MR. ZIMMERMAN: Tobias Zimmerman, New York City Law Department, representing the witness and the Defendants.

MS. PRAKASH: I am Swati Prakash, on behalf of Plaintiff People of the State of New York.

COURT REPORTER: Others on the call, please, go ahead.

MS. ABOUSHI: Tahania Aboushi, Aboushi Law Firm, appearing on behalf of Plaintiff in Rolan vs. City of New York Plaintiffs.

MR. HUGHES: I am Chief Stephen Hughes, retired Assistant Chief Stephen

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Hughes, NYPD, here as a witness.

MS. TRASANDE: Nancy Trasande for  
State of New York, observing.

MS. BIKLEN: Molly Biklen, for the  
New York Civil Liberties Foundation for  
the Payne Plaintiffs, observing.

Whereupon,

CHIEF STEPHEN HUGHES,  
having been first duly sworn/affirmed,  
was examined and testified as follows:

EXAMINATION BY

MR. LAMBRIGHT:

Q. Good morning, Chief Hughes. My  
name is Daniel Lambright and I represent the  
Plaintiffs in Payne v. De Blasio. Today I  
will be asking you some questions related to  
the topics that you have been designated as a  
30(b)(6) witness.

As you know, the deposition is  
occurring online and here today are a number  
of other representatives from other cases.  
They will have their cameras off unless they  
are asking questions.

Additionally, an attorney from the

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2 Law Department is here and he will have his  
3 camera on and may interpose objections. But  
4 unlike in court, you must still answer the  
5 question unless specifically instructed to by  
6 Mr. Zimmerman.

7 Do you understand?

8 A. Yes, I do.

9 Q. The court reporter will be  
10 recording my questions and your answers, so  
11 please answer in words. Can you do that?

12 A. Yes.

13 Q. And though you may understand where  
14 I am going, please wait until I finish the  
15 question to start your answer. Will you do  
16 that?

17 A. Yes.

18 Q. And if you don't understand a  
19 question that I ask, please let me know.  
20 Okay?

21 A. Yes.

22 Q. And if you don't remember the  
23 answer to a question, also let me know that.  
24 Okay?

25 A. Yes.



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2 MR. ZIMMERMAN: Why don't we just  
3 see how it goes.

4 MR. LAMBRIGHT: Okay. Let's move  
5 on.

6 Q. I will show you what has been  
7 premarked as Hughes 30(b)(6) Exhibit A. I am  
8 putting that in the chat right now and I will  
9 share my screen.

10 (So marked for identification as  
11 Hughes 30(b)(6) Exhibit A.)

12 Q. Chief Hughes, can you see my  
13 screen?

14 A. Yes, I can.

15 Q. Have you seen this document before?

16 A. Yes. It's the one that I have in  
17 front of me.

18 Q. What is this document?

19 A. It says it is some type of  
20 affidavit or a summons or a notice. It says,  
21 "Notice of Deposition Pursuant to FED. R. CIV.  
22 P. 30(b)(6)."

23 Q. Do you understand that in today's  
24 deposition you will be appearing on behalf of  
25 the City of New York?

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2 A. Police Department, yes.

3 Q. And you have been designated to  
4 testify on Topics 6; 8(i), relating to police  
5 operations, including traffic safety; 8(p),  
6 8(q), 8(x), related to officer arrest of  
7 individuals during a demonstration, including  
8 procedures for effecting large-scale arrests;  
9 8(y), 8(z), 8(bb), 8(dd), 9(p), 13(a), 13(b),  
10 13(d), 13(g), 15 related to enforcement.

11 Do you understand that you have  
12 been designated to testify on those topics?

13 THE WITNESS: Tobias, is that  
14 correct?

15 MR. ZIMMERMAN: We didn't get the  
16 full list but you can refer back to the  
17 email from Amy that designated him.

18 MR. LAMBRIGHT: I will need the  
19 witness to answer.

20 A. On my sheet I have highlighted  
21 yellow sections. I think we can go through  
22 each one of them and then I will let you know  
23 if it is highlighted or not. You just stated  
24 about 20 different items. I am not sure if I  
25 have all 20.

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2 no.

3 But if they would have went to the  
4 exit to the Holland Tunnel and there was  
5 traffic inside that tunnel, then they would  
6 have been arrested because public safety was  
7 endangered. Public safety is really the  
8 factor on that.

9 Q. Are there specific policies and  
10 procedures for effecting arrests during  
11 demonstrations or protests?

12 A. Yes, there are.

13 Q. What are those policies and  
14 procedures?

15 A. Duties on Unusual Disorder. That  
16 was 213-05. And Response to First Amendment  
17 Activity, 213-20.

18 Q. You also mentioned a red  
19 light/green light policy. Is that also  
20 something that is taken into consideration  
21 when determining whether to arrest somebody?

22 A. Right. And that is what we relied  
23 on every day when we are out there  
24 protesting -- policing these events. It was  
25 my opinion we needed clear instruction to the

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police officer.

I have been out to St. Louis before the second riots in my capacity with the NYPD, with the Michael Brown situation. I was out in Seattle studying their bike -- using bike officers to respond. And I have been down to Washington on a panel to discuss the Baltimore incident when they had the rioting in Baltimore from Freddie Gray.

A lot of the same things came out on each of those three that I have seen was the police officer, the one executing the orders from incident command not being clear on what his duties are and not at the scene of an incident, especially a protest.

So my instruction each day out was this red light/green light. Anybody operating in Manhattan South were operating under these orders. It is the Patrol Bulletin Manhattan South Field Protest Guidelines. They are based on all that CIMS and all these Patrol Guide provisions. As you can see, it is hundreds of pages. For an actual police officer coming into the city that never worked

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2 in Manhattan South, I needed to know for a  
3 fact he knew what he should do and not do.  
4 That is why I did the red light/green light.  
5 Makes it very clear for everybody.

6 Q. Was the red light/green light in  
7 effect in the other borough commands?

8 A. Well, I spoke to Chief Pichardo,  
9 explained what we are doing here because we  
10 wanted consistency when to arrest people for  
11 civil disobedience and when not. Early on, he  
12 said Steve, let's have a conference call,  
13 which we did. I e-mailed the red light/green  
14 light policy to the eight borough commanders  
15 and I said these are the the guidelines we are  
16 operating in Manhattan South.

17 Additionally, I had Chief Joe  
18 Gulotta, if you are familiar. He was at  
19 Randall's Island working operations. He was  
20 deploying our mobile field forces, one  
21 captain, two lieutenants, five sergeants and  
22 40 officers with bullhorns and flex cuffs.  
23 They were going to be our escort teams, arrest  
24 teams, based on our needs around the city  
25 because we didn't know what boroughs would

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2 have people.

3 I sent this to Joe Gulotta. I  
4 said, Joe, I need you to instruct all the  
5 captains. My operations staff, whatever  
6 captain was working that day, we e-mailed  
7 these orders to that captain. And I called  
8 the captain on many occasions. I turned out  
9 at many a roll call and said listen, this is  
10 what I want a police officer to do when civil  
11 disobedience is occurring. That is that red  
12 light.

13 I said if you see people blocking  
14 34th and 7th and they are blocking a bus and  
15 traffic, anything, you are not to make an  
16 arrest unless you are authorized by a captain  
17 or above on a mobile field force or executive  
18 on the police department.

19 The green light, say somebody  
20 throws a bottle, an example I repeated, and it  
21 goes into a crowd. That's reckless  
22 endangerment. That's a serious misdemeanor.  
23 Say the bottle hits me. That's a felony,  
24 attempted felony assault. If I have an  
25 injury, it's a felony assault. I said, those

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2 are serious misdemeanors or felonies where  
3 public safety is in danger. I said I want an  
4 arrest made. I don't let people vent. I am  
5 not going to give people space when serious  
6 misdemeanors or felonies are occurring.

7 If somebody goes in and  
8 shoplifts -- goes sits down at a restaurant  
9 when protesting and drinks someone's wine,  
10 that is petit larceny, right? Or they maybe  
11 damage the glass on the way out, criminal  
12 mischief. That's not a serious misdemeanor.  
13 They have a red light.

14 I just want to be clear on that.  
15 That is how we operated. The other boroughs  
16 kind of adopted that.

17 Q. When would you say the red  
18 light/green light policy was adopted citywide?

19 A. I adopted this in 2015, so I had it  
20 five or six years, we had been kind of using  
21 that. In Manhattan South this was adopted in  
22 2018, before even these incidents.

23 January 18, 2018, I became the borough  
24 commander for Manhattan South and I wanted  
25 clarity to the police officers when they take

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2 action and when they don't.

3 Like in the --

4 Q. But during the course of the  
5 protest when was the conversation you had with  
6 Gulotta and the others, Pichardo, about  
7 sending these directions to the other  
8 commanders?

9 A. They date they set up Randall's  
10 Island, that is the first day they had this, I  
11 sent it to Chief Gulotta. Whatever date  
12 Randall's Island was set up, that was the date  
13 I actually called and sent it to them.  
14 Because they were turning out at Randall's  
15 Island. They could go to Queens, the Bronx or  
16 maybe come to Manhattan South. I said Joe, I  
17 am not sure what the other boroughs are doing,  
18 but I want them to operate this way. Because  
19 the guides in there, will make arrests when  
20 necessary. There are things in the Patrol  
21 Guide responding and CIMS. This gives more  
22 clarity when I want to make an arrest and when  
23 I don't. And don't take independent action.

24 I want them to take independent  
25 action, a sergeant or police officers, if a



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2 serious felony is occurring or a serious  
3 misdemeanor. It was a little ambiguous in the  
4 guide. I clarified that with these. I would  
5 say I spoke within the first two weeks with  
6 Pichardo and then we had a meeting, conference  
7 call and gave it out to everybody.

8 Q. The red light/green light policy  
9 was not official policy of the NYPD but it was  
10 official policy of Manhattan South?

11 A. It was incident commander's policy  
12 for Manhattan South. It was given to the  
13 other incident commanders, the other eight  
14 borough commanders. I didn't question them,  
15 but they pretty much -- Chief Pichardo said  
16 let's go with this and they pretty much  
17 implemented that policy for the most part.

18 Q. Okay.

19 A. Each situation is different, as I  
20 mentioned before. These are guidelines. That  
21 is why it says guidelines there. There might  
22 be a reason why he didn't take action just  
23 with civil disobedience. Some people want to  
24 get arrested. Like I said, people chain  
25 themselves. We ask them to leave, try to give

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2 them notice. We have a sound system that is  
3 very effective now. We put prerecorded  
4 warnings and we give people many opportunities  
5 to leave. But in certain situations they want  
6 to get arrested for the cause, whatever it  
7 might be, not just George Floyd but any  
8 protest. We'd make the arrest for civil  
9 disobedience.

10 Q. I will show you what I have marked  
11 Hughes 30(b)(6) Exhibit Q.

12 (So marked for identification as  
13 Hughes 30(b)(6) Exhibit Q.)

14 Q. I will put it in the chat. I will  
15 share my screen on Exhibit Q. Can you see my  
16 screen?

17 A. Yes.

18 Q. Do you recognize this document?

19 A. I don't recognize that.

20 Q. I can scroll down if you want.

21 A. Do you know who put that document  
22 out?

23 Q. No. So you don't recognize this  
24 document?

25 A. That is not my document.

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2 other people. It is pretty much desolate at  
3 night. There is plenty of places to bring  
4 specialized equipment and mobilize resources  
5 we need to respond. Likewise, they can deploy  
6 from that location to all five boroughs fairly  
7 quickly.

8 Q. Were there any other reasons that  
9 led to that decision?

10 A. No. It was just based on the  
11 amount of looting and rioting on Sunday. We  
12 had hundreds of stores looted and vandalized,  
13 and the amount of arrests that were made. We  
14 made over couple hundred arrests that first  
15 night, around 235, people looting and being on  
16 the street.

17 At that point, you looked around  
18 the country, what you saw happening in major  
19 cities. We needed to get -- mobilize the  
20 department. We needed a large space to get  
21 there, and Randall's Island really worked for  
22 us.

23 Q. What else occurred on Randall's  
24 Island with the mobile field forces?

25 A. That is where they were broken down

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2 into the 40-man teams. That is where they  
3 were given my instruction. I spoke to Chief  
4 Gulotta. He instructed everybody turning out  
5 at Randall's Island what our policies were in  
6 that red light/green light policy.

7 Q. Chief Gulotta, what is his  
8 position?

9 A. He, at the time, was a one-star  
10 chief. He was reassigned from where he was  
11 working to Randall's Island to oversee the  
12 mobilization of department resources.

13 Q. Was he in charge of the mobile  
14 field forces on Randall's Island?

15 A. He was in charge of formulating the  
16 mobile field forces. And then at that point  
17 operations would assign them based on the  
18 needs of the eight patrol boroughs. Then  
19 operations would call me. Say there were 20  
20 field forces; 10 are going to Manhattan South,  
21 2 are going to the Bronx, 5 are going to  
22 Brooklyn and 3 are going to Queens.

23 So at that point it was up to the  
24 borough commander to deploy them where they  
25 think, based on what their intelligence has or

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2 prior incidents, what they might think might  
3 be protests or sensitive locations, to  
4 preposition resources as needed.

5 Q. Was there any training provided to  
6 the mobile field forces on Randall's Island?

7 A. That is our disorder control unit  
8 is responsible for crowd control training and  
9 measures. I believe they were on Randall's  
10 Island. I believe that they were conducting  
11 refresher training as the officers approached  
12 because that is the one thing -- SRG is  
13 trained daily. They work together. It is  
14 very hard to bring people from detective  
15 bureau, specialized units together. Those are  
16 the first time those 40 people are working  
17 together. And you had the captain, 2  
18 lieutenants, 5 sergeants and 40 officers.  
19 This is their first incident, so we wanted  
20 them to make sure -- that is getting back to  
21 what I was saying about red light/green light.  
22 They have clear instruction when they go out  
23 there when to take action, when not. We  
24 didn't want independent action. We wanted to  
25 make sure we had the sergeant verifying and

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2 voiding the arrest prior to transporting in a  
3 prisoner transport vehicle. I wanted the  
4 lieutenant to have the bullhorn to be able to  
5 give warnings if needed.

6 There was a lot there to break  
7 down. These instructions on those sheets was  
8 really a basic understanding what that officer  
9 or detective, sergeant, lieutenant and captain  
10 needed to be able to perform when they were  
11 working at these incidents.

12 Q. You said DCU was in charge of  
13 providing them with training. Was SRG  
14 involved in any other way with the mobile  
15 field forces on Randall's Island?

16 A. They would give them flex cuffs,  
17 the bullhorn. They had like a mass arrest kit  
18 that they would hand out. That was DCU that  
19 operated under SRG.

20 Q. Who made the decision to send the  
21 mobile field forces to Randall's Island?

22 A. That was the operations unit.

23 Q. So that would be Ed Mullane?

24 A. Chief Ed Mullane.

25 Q. Why was that decision made?

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CERTIFICATION

I, DEBRA STEVENS, a Notary Public for and  
within the State of New York, do hereby  
certify:

That the witness whose testimony as herein  
set forth, was duly sworn by me; and that the  
within transcript is a true record of the  
testimony given by said witness.

I further certify that I am not related to  
any of the parties to this action by blood or  
marriage, and that I am in no way interested  
in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my  
hand this 17th day of May, 2023.



DEBRA STEVENS, RCR

\* \* \*